

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CASE NO: 3:08-CV-83-RJC-DCK**

LISA THOMPSON and,)	
LINLY ANTOINE,)	
)	ORDER
Plaintiff,)	
)	
v.)	
)	
DEUTSCHE BANK, LONG BEACH)	
MORTGAGE, and COUNTRY HOME)	
MORTGAGE,)	
)	
Defendants.)	

THIS MATTER IS BEFORE THE COURT upon the *pro se* Plaintiffs' document labeled as "Stay of Proceedings to Award Real Property with Monetary Relief" (Document No. 37). Despite the label on the document, Plaintiffs indicate that they are moving the Court to "accept this motion to allow Plaintiff to Show Cause as ordered by this court." This matter has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b), and immediate review is appropriate. Having fully considered the record, the undersigned will deny the motion for the following reasons:

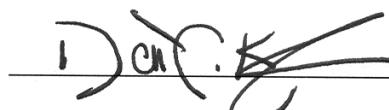
On September 3, 2009, this Court ordered that "[w]ithin twenty (20) days of the date of this Order, Plaintiffs shall file an affidavit with the Court showing good cause for their failure to serve process upon Defendants Deutsche Bank and Country Home Mortgage within 120 days of the Complaint. Failure to comply with the instant directive will result in dismissal without prejudice of Plaintiffs' claims against Defendants Deutsche Bank and Country Home Mortgage." (Document No. 34, pp. 3-4). Plaintiffs did not timely respond, and the Court dismissed the Plaintiffs' claims against

Defendants Deutsche Bank and Country Home Mortgage without prejudice on September 30, 2009. (Document No. 34). By separate order entered today, the undersigned denied the Plaintiffs' subsequent untimely request for additional time to show cause. The Plaintiffs' present request for the Court to "accept this motion to allow Plaintiff to Show Cause..." is also moot.

IT IS, THEREFORE, ORDERED that the Plaintiffs' "Stay of Proceedings to Award Real Property with Monetary Relief" (Document No. 37) is **DENIED**.

IT IS SO ORDERED.

Signed: October 7, 2009



David C. Keesler
United States Magistrate Judge

